UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/CONF.189/PC.1/13/Add.1
6 March 2000

Original: ENGLISH

WORLD CONFERENCE AGAINST RACISM,
RACIAL DISCRIMINATION, XENOPHOBIA
AND RELATED INTOLERANCE

Preparatory Committee
First session
Geneva, 1-5 May 2000

Item 7 of the provisional agenda

REPORTS, STUDIES AND OTHER DOCUMENTATION FOR THE PREPARATORY COMMITTEE AND THE WORLD CONFERENCE

Contribution of the Sub-Commission on the Promotion and Protection of Human Rights

Addendum

Proposals for the work of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance: working paper submitted by Mr. Paulo Sérgio Pinheiro, member of the Sub-Commission, in accordance with Sub-Commission resolutions 1998/6 and 1999/6

GE.00-11414 (E)

A. Introduction

1. During the past three decades, the Commission on Human Rights and the Sub-Commission have been able to monitor gross violations of human rights in specific countries. This role has a close connection to the struggle against racism. In fact, this decisive line of action was set in motion in 1967 as a result of the establishment of the Commission's Ad Hoc Working Group of experts to investigate charges of torture and ill-treatment of prisoners, detainees or persons in police custody in South Africa.

2. This development became possible, as Mr. Theo van Boven recalled recently, in consequence of Economic and Social Council resolution 1235 (XLII) of 6 June 1967, in which the Council authorized the Commission on Human Rights and its Sub-Commission on an annual basis "to examine information relevant to gross human rights violations of human rights and fundamental freedoms" in the Republic of South Africa, which has evolved into a mandate of general dimensions and global implications.[1]

3. This decisive historical development, linking the Sub-Commission, the struggle against apartheid and the specific mandate which was clear from its original name, obliges the Sub-Commission to contribute to the preparation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

4. The Sub-Commission considers the World Conference against Racism to be a decisive and unique opportunity to create a world strategy for the struggle against racism in the twenty-first century. The United Nations, Governments and organizations of civil society must not fail in this endeavour, especially since the first and second United Nations Decades to Combat Racism and Racial Discrimination did not lead to concrete results - apart from the formidable achievement which was the defeat of apartheid in South Africa. As a contribution to making the Conference an effective initiative the Sub-Commission presents proposals based on its extensive experience in the field of the main subject of the Conference. These imaginative proposals must be able to mobilize world public opinion.[2]

5. Since the first World Conference to Combat Racism and Racial Discrimination, in 1978, the experts of the Sub-Commission have given outstanding attention to the struggle against racism through the elaboration of studies which have proposed relevant recommendations and measures. A recent document prepared by the secretariat indicates some of the most important suggestions that have been made by the Sub-Commission in the past 20 years on ways to combat racism and racial discrimination and its recommendations on questions such as the human rights of minorities and women migrant workers.[3]

6. Since 1979, there has clearly been a preoccupation on the part of the Sub-Commission to ensure efficiency in combating racism and racial discrimination at the same time enacting specific legislation against racial discrimination and using education and culture and the dissemination of information.[4] In 1980, it became clear that racism and racial discrimination often resulted from inequitable distribution of political and economic power within societies and that in consequence the enjoyment of economic opportunities was an important target.[5] At its fortieth session, in 1988, the Sub-Commission stressed the need for public awareness of the dangers of new racist discrimination and of ways to counteract them.

7. In 1989, Mr. Asbjørn Eide, presented his study on the achievements made and the obstacles encountered during the decades to combat racism and racial discrimination, focusing his assessment on the main contexts in which discrimination is likely to occur: apartheid, indigenous peoples, situations originating in slavery, migrant workers, aliens and members of ethnic groups. Even if in the past decade discrimination has erupted in different contexts, or even if racism has ended in some contexts, such as that of apartheid, contextualization continues being relevant.

8. The Sub-Commission has also been responsible for introducing innovative themes which reflected the new challenges confronting many societies affected by economic stabilization plans, like migrant workers and the members of their families.[6]

9. In 1998, Mr. José Bengoa and Mr. Mustafa Mehedi, jointly with two members of the Committee on the Elimination of Racial Discrimination (CERD), prepared a working paper (E/CN.4/Sub.2/1998/4) presenting a comprehensive examination of the thematic issues relating to the elimination of racial discrimination. One of the outstanding contributions of the study is a rigorous evaluation of the implementation of article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination which refers to the adoption of immediate and effective measures in the fields of teaching, education and culture to combat racism. One of the most appalling findings of the study is that no State party has yet created a complete system of human rights teaching and education for all its citizens and populations, extending from primary school to university and to out-of-school education as well.

10. The authors of the working paper recommended that initiatives be taken in the area of teaching and education concerning the curricula of public elementary and secondary schools, colleges and universities. They also addressed the crucial issue of the training of law-enforcement officials and stressed that dissemination of human rights information must play an important role in the fight against discrimination.

11. Other than in the area of racism, perhaps one of the greatest contributions of the Sub-Commission has been to the protection of minorities, with the report by Mr. Asbjørn Eide on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4). The broad and, at the same time, rigorous set of recommendations put forward in that report offer relevant issues which should be examined by the Conference. That study provides objective and precise suggestions for concrete measures to be taken at the national level, for example, in the fields of education, language and culture, civil rights, and economic and social rights, not forgetting effective political participation, constitutional arrangements and the establishment of conciliation machinery. Besides these elements for national strategies, the study proposes measures to be taken at the international level; those referring to the United Nations human rights bodies and specialized agencies and NGOs constitute in themselves an articulate agenda for initiatives in the twenty-first century.

12. Mr. David Weissbrodt submitted a working paper (E/CN.4/Sub.2/1999/7/Add.1) to the Sub-Commission at its 1999 session in which he analysed the implications of the presence of

non-citizens in a State and of discrimination against such groups, and addressed, among other questions, ways of overcoming impediments to ratification of the International Convention on the Rights of All Migrant Workers and Members of Their Families. In this working paper, Mr. Weissbrodt proposed that the rights of non-citizens should be explicitly addressed during the World Conference against Racism.

13. Mr. Joseph Oloka-Onyango submitted a working paper (E/CN.4.Sub.2/1999/8) to the Sub-Commission, also at its 1999 session, in which he clearly demonstrated that the issue of globalization and its impact on incidents of racism, racial discrimination and xenophobia is not ephemeral. It is an issue that requires more comprehensive thought, study and action by the United Nations system, multilateral agencies and human rights organizations. The dominant emphasis on the economic aspects of globalization, without considering its political, social and cultural consequences, is in many respects disempowering. Among his conclusions and recommendations, Mr. Oloka-Onyango proposes that CERD should encourage the State parties to the Convention to highlight the different ways in which globalization has fostered increased incidents of racism and racial discrimination. State agencies such as the police and immigration officer - who are reacting to the diverse manifestations of globalization such as increased immigration - have a clear role and obligation under the various international instruments.

14. Also at the 1999 session of the Sub-Commission, Mr. Marc Bossuyt presented the main lines of a study on affirmative action. At the very nucleus of his study is the discussion of the principle of non-discrimination: the State besides fighting any discrimination, must also guarantee to every person access to protection from every form of discrimination. One of the main questions discussed in the study will be to know if "special measures" of protection or assistance in favour of certain underprivileged groups may themselves be considered discrimination. The study will try to demonstrate that, in cases of systematic discrimination, those affirmative measures may be justified.

15. Based on those contributions, points reflecting some areas of major concern[7] with respect to the most serious manifestations of racism in the past decade, and which will probably continue affecting the next decade, are highlighted below:

The explosion of ethnic conflicts and widespread violence related thereto, which go hand in hand with the return of notions and practices of national or ethnic exclusivity, in total contravention of the principles of the Charter of the United Nations and major instruments in the field of human rights;

The widespread phenomenon of xenophobia, which is alive in various continents, especially in Europe. The Special Rapporteur of the Commission on Human Rights offered some observations about this phenomenon which are extremely relevant at the present juncture in that continent:

> "In Europe, an unwholesome climate may be observed in which xenophobia and racism are flourishing. The principal victims of this situation are immigrants and refugees from developing countries (Africans, Asians, Arabs and Turks) and from

the countries of Eastern Europe, including Gypsies. Legislation enacted by a number of European countries and by the European Union increasingly discriminates against these groups. There is thus a growing perception that Europe should be a continent inhabited chiefly, if not exclusively, by Europeans."[8]

The double discrimination victimization of persons who suffer from accumulated discrimination, for example on the grounds of race and gender, race and sexual orientation, race and handicap, or race and age. Exploited and abused girls and women are often victimized because of racist and sexist attitudes and practices (such as European sexual tourism in Latin American and Asian countries). Among them there are many trafficked women of African, Asian and Latin American origin and women coming from Eastern Europe, as well as domestic workers, exploited and deprived of their rights and without documents.

16. The Conference must address the denial of racism, which takes different forms.[9] Sometimes, the facts themselves are denied; in other cases, the interpretation of facts. Frequently "policies that have racially discriminatory effects are presented as if they are justified by social and economic inequality, and are not a human rights problem".[10] Very frequently, an alleged social consensus prevents racism from being acknowledged, like the one in Europe that says "the flow of refugees must be stemmed". One, most egregious, example of the practice of denying racism has been the recasting of racial difference as mental disability in the alleged case of the de facto segregation of Roma children in the schooling system of the Czech Republic.[11]

17. The Sub-Commission must stress the need for a thorough and transparent analysis of diverse contemporary issues of racism: discrimination and exclusion in multiracial societies; ethnic divisions in countries and areas that have experienced armed conflicts, such as the Federal Republic of Yugoslavia (Serbia and Montenegro), Bosnia and Herzegovina, Croatia, Rwanda, Burundi, the Democratic Republic of the Congo and Kosovo.[12] To deal with these country cases the Sub-Commission stresses the importance of the innovative prevention procedures, including early warning and urgent action, such as those the Committee on the Elimination of Racial Discrimination (CERD) adopted at its forty-second session in 1993.[13]

18. Conflicts between groups within States - of the sort that affect the daily life of millions of people in Africa and in Europe - constitute a problem of such magnitude that a global and system-wide strategy for peaceful solutions appears necessary. A "global and system-wide strategy" to combat racism and discrimination, as proposed by Mr. Eide in his study, should be suggested by the Sub-Commission as a simple, central message that could become a focal point capable of inspiring a slogan to translate that goal into reality.

19. The main objective of the present working paper is, on the basis of the studies on racism and racial discrimination submitted to the Sub-Commission after the Second World Conference, in 1983, and other recent studies and seminars prepared by several interested organizations, to try to find a common denominator among those studies compatible with the six main objectives defined for the World Conference.[14]

B. The (un)rule of law and racism

20. Despite the positive developments in the democratic transition and consolidation process during the 1980s in most continents, especially Europe and Latin America, most democracies are still far from being capable of assuring liberty and justice for those vulnerable groups and minorities which suffer from social exclusion and racism. The situations in which Afro/Latin and indigenous populations and migrants from Eastern European, African and Arab countries find themselves constitute the most egregious cases.

21. The twentieth century has ended and the ruling classes and elites in most countries have been incapable of promoting effectively the most essential rights of most of those groups. Of course, States and Governments have a great responsibility in promoting rights, but history has indicated that the target of the realization of the rule of law is something that must be addressed by the mobilization and organization of those peoples.

22. If the right to education, the right to decent living conditions, the right to fair salaries or any other economic and social rights are considered, the situation of, for instance, the Afro/Latinos and indigenous populations in Latin America and the Caribbean, on the eve of the World Conference against Racism continues to be disastrous. The Afro/Latinos and indigenous peoples continue to be practically absent from the highest levels of the public administration or from positions of power.

23. More than all the anthropological or sociological debates in many countries about race, what most counts is to define specific initiatives to address the provision of decent living conditions and the realization of the human rights of those populations which have been consistently denied them, even under democratic regimes. Governments must find ways to overcome racial discrimination by equalizing the content and the application of law among the population, regardless of race and national origin - a goal that no democracy up until now has been capable of achieving effectively.

24. The World Conference must state with precision and insistence that the rights of persons of African descent, indigenous peoples, lower castes and national minorities are human rights. It is not sufficient repeatedly to affirm the value of equality, as several generations of politicians, lawmakers and lawyers have done: the recognition of Afro/Latins, indigenous peoples, lower castes, such as the Dalits, and the Roma, with hegemonic peoples must be accompanied by specific protections and compensatory policies. Legal rights must enhance the living conditions of the families of those groups, through legislation against racial bias in employment, discrimination in pay and incentives, and aiming to curb police violence against them.

25. Discrimination is dramatically present in the criminal justice system. Blacks and non-whites in many societies are more frequently the target of police repression and colour is a powerful instrument of discrimination in the distribution of justice.[15] People of colour confront greater obstacles in accessing criminal justice and have more difficulty in utilizing their right to an adequate defence. As a result, they are more likely to be punished than whites and they tend to receive more rigorous penal treatment.

26. Moreover, legal rights can contribute towards increasing access for persons of African descent to credit and other productive resources and increasing their political rights. From a human rights perspective, development efforts must work to eliminate racial discrimination through programmes and processes that could help Governments to reform legal systems and outlaw discrimination in employment, education, credit services and other entitlements. Governments must confront the need to redress the effects of past discrimination against persons of African descent.

27. National and local judiciaries, legislatures and electoral bodies are crucial to the protection and promotion of the human rights of persons of African descent. They can ensure law enforcement, help to establish anti-discriminatory practices and contribute to achieving socio-economic, political and cultural equality.

28. The Conference must contribute effectively to finding ways to overcome discrimination by equalizing the content and application of law among the population of every society, regardless of race, gender or socio-economic status. Despite positive developments in the recent democratic consolidation process and the overwhelming dominance of democratic regimes in the world, almost no country has been able to ensure liberty and justice for all.

29. The Conference must devote special attention to indigenous peoples. During the two last decades of the twentieth century, a large number of countries have adopted constitutional reforms or new constitutions which include provisions concerning the rights of indigenous peoples. These measures were the result of considerable debate and organized pressure by civil society organizations and support groups, and were accompanied by a veritable avalanche of laws and regulations.

30. But this development requires particular vigilance on the part of indigenous organizations to ensure that their constitutional rights are safeguarded in various areas, including land rights, forestry, biodiversity, mineral and petroleum laws. Without such efforts, democracy will mean little for indigenous peoples and racism will continue. The World Conference is a unique opportunity to contribute to the construction of multi-ethnic societies that thrive in diversity, avoiding inter-ethnic conflicts and war.

31. Undeniably, there has been some evolution of international and legal standards in relation to the rights of the more than 40 million indigenous peoples in Latin America. Nevertheless, it must be recognized that most of the recent constitutional reforms have not addressed the area of legal process or administration, that is, "access to law" or "access to justice". Thus, there is still a great distance to go before one can say that the rule of law reigns in the relationships between nation States and indigenous peoples in Latin America. Much more attention must be focused upon the procedural aspects of the law before indigenous peoples and the rule of law have a chance in almost every continent.

32. The Conference must take into consideration the fact that gender discrimination is often deeply intertwined with other forms of discrimination, such as discrimination based on race, ethnicity, sexual orientation, social class or economic status. If the rule of law is really to

encompass the underprivileged, society will have to change this pervasive discrimination and the degree to which it is embedded in the structure of the law itself, in order to ensure that the rule of law is truly the rule for women, rather than the exception.

33. Constitutions in Latin American and other democratic countries usually incorporate broad provisions for the protection of individual rights, which are then systematically disregarded. A context of widespread economic inequality has widened the gap between rich and poor and has doomed millions of Latin Americans to lives of poverty and social exclusion. Racial discrimination is one of the most evident expressions of unequal access to resources.

C. The role of the State

34. Latin American societies tend to present themselves as liberal democracies, but the equality of all before the law is regularly challenged by unequal distribution of power. Racial discrimination is rife in the workplace and in relations with the police, and that discrimination is also present in the criminal justice system.

35. Indeed, colour is a powerful trigger of discrimination in the implementation of justice. People of colour encounter greater obstacles in gaining access to criminal justice and have more difficulty in realizing their right to an adequate defence. As a result, they are more likely to be punished than whites and they tend to receive more rigorous penal treatment. The World Conference must examine what has been done to reduce prejudice and discrimination against persons of African descent in different countries throughout the world.

36. Despite the growing role of international organizations, the role of the State in any strategy to combat racism must be ascertained.[16] Many responsibilities of the State continue to be crucial - those of enacting fair laws, ensuring that justice is administered impartially and of maintaining standards of fairness in political and economic life. States should ensure that they encourage and enforce exemplary standards of behaviour and language in government, parliament and other official institutions. In all these areas "Governments should test the success of their policies by whether they have racially discriminatory effects, not merely in terms of their form or intention".[17] It must also be remembered that the State maintains the basic institutions supporting society: the military, the police, the law and the courts: these institutions play a crucial role. Law and legal institutions are vital to action against racism.

D. Main situations on which to focus

37. The twenty-first century is beginning against a background of extraordinary change which may contribute to aggravating racism, xenophobia and discrimination, but which at the same time may offer new avenues to overcome discrimination. The picture presented by the conclusions of The Comparative Human Relations Initiative in *Beyond Racism*,[18] gives an extremely accurate appraisal of the ambiguous qualities of the present times: "Technological advances are creating transnational forces and developments that are changing the world. Information, ideas, capital and business flow instantaneously across national borders. Record levels of migration now bring diverse people into closer proximity. Population growth dynamics are creating new forms of intergenerational and interracial interdependence. Demands are sharpening for democratic accountability and fair treatment. Women's and human rights

movements are becoming more prominent in commerce and international affairs. Finding better ways to promote power-sharing and reconciliation between groups and divergent interests is essential to peace and prosperity ... Racism is a moral, social and economic problem. Finding ways to develop fully human capital, irrespective of race or gender, the true wealth of nations, is the urgent challenge of the twenty-first century."

38. We would like to reiterate the suggestion presented in resolution 1999/6, adopted by the Sub-Commission at its fifty-first session, that the World Conference focus on situations of racism and ethnic conflict and other patterns of discrimination that are based on race, colour, descent, national or ethnic origin and gender, as well as on the topics of:

(a) The current realities in the aftermath of slavery and colonialism, including the legal implications of the slave trade and the conditions of persons of African descent in the Americas;

(b) The impact of economic globalization on racial equality, including globalization in the context of the increase in incidents of racism, and the economic basis of racism;

(c) The treatment of migrants, refugees, asylum seekers, other non citizens[19] and displaced persons, as well the related phenomenon of xenophobia;

(d) The prevention of racial discrimination, including early warning and urgent procedures, as well as the accountability of non-State actors;

(e) The prevention of racial discrimination, through education and labour regulation;

(f) Remedies, redress mechanisms and reparations for racial discrimination, including affirmative action, and compensation for victims and descendants of victims of racism;

(g) International mechanisms for the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and their progressive development, as well as reservations to the Convention;

(h) Combating hate speech and promoting tolerance in the digital age;

(i) The implications of multiple identities (race, colour, descent, minority, national or ethnic origin, gender);

(j) Means to be applied to protect the rights of indigenous peoples.

E. Initiatives during the preparatory process for the World Conference

39. During the period of preparation which precedes the World Conference several initiatives could be launched:[20]

(a) a series of special consultations leading to specific commitments could be organized:

(i) A special meeting of the Presidents of the World Bank and regional banks with a view to their issuing a joint statement commenting on the economic costs of racial discrimination, to be read at the opening ceremony of the World Conference, and pledges to review and evaluate all institutional decisions and mechanisms of discrimination based on race and ethnicity;

(ii) A summit with the highest-level figures of each of the world's major religious communities with a view to their issuing the equivalents in each faith of an edict on discrimination based on race or ethnicity;

(iii) A meeting of the chief executive officers of the world's major Internet providers, with a view to their adopting a voluntary code of conduct and guidelines on hate propaganda;

(iv) A special meeting of media executives, with a view to their committing themselves to be "implementing partners" in a worldwide media campaign to combat racism and publicize the World Conference;

(b) Development of a global outline school audience and network for an anti-racism curriculum;

(c) Development of an Internet strategy to promote the World Conference and provide a forum for tracking events, activities and progress following the Conference;

(d) A global media/public relations campaign addressing racism which might include public service announcements and television and radio "spots against racism".

40. During the Conference should be organized a panel of testimonies from voices for justice (for instance sponsored by the Sub-commission and CERD, with a special effort to include youth voices). States participating in the Conference should be encouraged to show their commitment to a timetable for initiatives as ratification of instruments, establishment of institutions, etc.

41. A satellite meeting of national institutions, like the South African Human Rights Commission, could be organized during the Conference on "best practices" with regard to racial discrimination.

F. Participation of the organizations of civil society in the World Conference[21]

42. The World Conference should provide an opportunity for all people affected by racism, racial discrimination, xenophobia or intolerance to participate. Thus, the Conference should be open to the widest possible participation of organizations of civil society, NGOs, social movements, people's organizations, organizations of indigenous peoples or minorities, organizations of women victims of racism, who frequently suffer double discrimination, and other elements of civil society. We suggest some guidelines that might apply in this connection.

43. The World Conference must be open to:

(a) Any NGO in consultative status with the Economic and Social Council;

(b) Any NGO which participated in any of the world conferences held during the 1990s (Rio, 1992; Vienna, 1993; Copenhagen, 1994; Cairo, 1994; Beijing, 1995, Istanbul, 1996; or Rome, 1997) or in their regional or preparatory meetings, or in the international conference to establish the International Criminal Court (Rome, 1998) and its preparatory meeting;

(c) Any NGO or indigenous people's organization which has participated in sessions of the Working Group on Indigenous People or the Working Group on Slavery;

(d) Any NGO which has participated in the Working Group on Minorities;

(e) Any NGO or organization accredited to participate in the regional preparatory meetings for the World Conference against Racism;

(f) Any other NGO, social movement, people's organization or organization of civil society which has an interest in the subject of the World Conference, can provide the secretariat with a copy of their constitution, and can demonstrate that they are committed to the purposes and principles of the United Nations may participate if they apply in writing to the secretariat of the Conference within a deadline previously established by the OHCHR.

44. Regarding participation during the meeting, the best practice will perhaps be to follow the model of the Rome Conference on the International Criminal court, namely, that NGOs accredited to the World Conference against Racism should be permitted to participate (in their capacity as observers) at the discretion of the Chairperson of the preparatory process and/or the Chair of the Conference at all drafting sessions, both informal and formal, of the Preparatory Committee and of the World Conference.

G. A "vicious circle" versus a "virtuous circle"?

45. When we consider the diverse forms of racism, its victims and manifestations - discrimination on the basis of colour, ethnic origin and caste, discrimination against indigenous peoples, ethnic groups, the Roma, xenophobia and religious intolerance, we may conclude that in every society there is present a "vicious circle" where such factors as race, poverty and lack of education interact for the oppression of many groups of people. But we must not overlook that many elements of a "virtuous circle", by which transformation can occur, also exist. The preparatory process for the World Conference can help the "virtuous circle" to prevail. Despite all the horrors which are evident in the contemporary world, when we consider racism, the situation is fluid; therein resides hope:[22]

> There is an emerging consensus around the world that there are no "inferior" or "superior" races and all people must be entitled to fair treatment and equal rights;
>
> Government, businesses and people have begun to realize that a key to national prosperity is finding ways to help people of African descent, indigenous peoples,

discriminated against minorities, women and marginalized groups have access to health resources, skills and rights needed to be productive contributors to human development;

People of African descent, indigenous peoples and other minority groups have enhanced ways of gaining access to political power and public resources to combat racism and to implement complementary and compensatory power-alleviation efforts;

There is a body of experience around the world on how to promote the rights of peoples subjected to racism and discrimination that can be used to support innovation and change;

Freedom of movement of women of all "races" and ethnicities, minority groups and other constituencies are challenging closed systems in each country that primarily benefited white males; these efforts are creating new alliances in the search for transformations;

People promoting democratization and accountability, the rule of law and free enterprise have begun to understand the importance of helping all people, irrespective of appearance, to become engaged stateholders in their own communities and nations;

There is a growing yearning among peoples for peace and reconciliation. International human rights groups and other such bodies concerned at the excesses of global capitalism and the impact of technology are searching for ways to create sustainable and broadened development, prevent degradation of the environment, promote the sharing of scientific and technological knowledge, and recognize the role of all peoples and nations as part of our global ecosystem.

H. Proposals for a continuing agenda

46. Our intention here is to highlight a few proposals for discussion during the World Conference inspired by recommendations put forward by the Sub-Commission and by several seminars and reports recently held in the process of preparation of the World Conference against Racism.[23]

Denial of racism

47. An international strategy must be devised to encourage political leaders to resist populist but socially divisive platforms. The international community must acknowledge this problem as a human rights issue and ask the Governments of those countries to find effective remedies for this situation. The United Nations agencies and the multilateral financial institutions must contribute to eradicating the pervasive problem of caste-based abuse.

United Nations

48. An autonomous United Nations body, like the International Research and Training Institute for the Advancement of Women (INSTRAW) might be established to undertake and promote research, conduct training programmes, maintain databases, compile statistics and develop qualitative and quantitative indicators to measure progress in the struggle against discrimination.

49. A United Nations inter-agency task force on racism (comprised of high-level representatives of UNDP, UNIFEM, UNICEF, UNESCO, HABITAT, ILO, UNHCR, etc.) might be established with the mandate of integrating the consideration of discrimination based on race and ethnicity into all monitoring, reporting, and other processes of all United Nations bodies and specialized agencies with field operations.

50. It might be proposed that the Secretary-General call for the establishment of an inter-agency task force (focal points, research studies) for development banks on race and racism.

51. A body might be created to study neo-fascism, neo-Nazism and ethno-nationalism, in close cooperation with the Special Rapporteur on contemporary forms of racism and racial discrimination, xenophobia and related intolerance.

Access to justice

52. It is a pressing requirement of justice that victims of human rights violations relating to racial discrimination, xenophobia, ethnic violence and related intolerance must be assured effective protection and remedies, including the right to seek and receive just and adequate reparation or satisfaction for material and moral damage suffered as a result of those violations.[24]

53. The existence of adequate laws, access to court, willingness to interpret the law broadly and effectively, and determination by the courts to enforce the law, are all essential prerequisites for the eradication of racism.

54. National human rights institutions and bills of rights must make fundamental rights justiciable in order further to strengthen the legal framework against racism.

Law enforcement

55. Punitive action against racist elements in the police must be available and must be applied.

56. Law enforcement officials, including members of the armed and security forces, should receive intensive training to ensure that in the performance of their duties they will uphold the human rights of all persons, without distinction as to race, colour, descent or ethnic origin.[25]

57. The police and immigration officers must ensure that they execute their functions in a non-discriminatory, non-racist and manifestly fair fashion. Countries that have experienced particularly acute problems in this regard must be encouraged to review the modes and methods of recruitment, to institute systems of training that are racially sensitive, and to encourage the evolution of police and immigration forces that are more inclusive and diverse.[26]

Education and the media

58. A State and a nation's view of itself are transmitted through the educational system and the media.

59. Educating children and adults about racism and the values of a just and fair society, opposing hate speech and promoting fair and racially-sensitive reporting, should be elements of an anti-racist strategy.

60. More detailed elements of such a strategy might include careful monitoring of textbooks (on history and biology in particular) for bias or omission that is likely to have a racially discriminatory effect, and sanctioning, and where appropriate prosecuting, journalists, politicians and other public figures who use overtly racist language.

61. Educators must find ways to convey the wealth of human experience and knowledge.

The media

62. The diffusion of racist propaganda by local media must be prevented or discredited. Media companies should redevelop their approaches to covering matters relating to race and racism and should refine their professional standards of excellence, embracing notions of fairness more fully.

63. To improve awareness of racism and the promotion of international standards, the United Nations should facilitate the formation of an international network of universities that is centred around promoting exchange and dialogue between cultures.

NGOs and the non-profit sector

64. NGOs and the non-profit sector are effective only to the extent they are rooted in the communities they serve, are inclusive, and remain open to learning from and interacting with diverse groups of people. By putting efforts to reduce racism and discrimination on the agenda, these sectors can help people and institutions in every continent to overcome these problems.

65. International networks or coalitions of NGOs should be formed that continue working together, coordinating activities and sharing ideas and strategies.

66. The work of grassroots organizations which struggle for the elimination of socially institutionalized discrimination, such as caste-based discrimination, must be supported.

Evaluation and monitoring

67. Governments should test the success of their policies by whether they have racially discriminatory effects, not merely in terms of their form or intention.

Dissemination

68. The work of the Conference should be documented and published in such a way as to make accessible to a diverse audience new ideas, concrete tools and models for approaching issues of race in public policy, including an edited collection of papers, case studies and model policies and legislation. These materials should be made available in a variety of formats, including a Web site.

69. Arrangements must be made for the dissemination of the declaration and programme of action of the Conference and for post-conference publicity (Web sites, CD-roms) for the dissemination of ideas, best practices and recommendations.

Notes

[1] Commission on Human Rights, fifty-fifth session, Sessional open-ended working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, "United Nations strategies to combat racism and racial discrimination: past experiences and present perspectives, background paper prepared by Mr. Theodor van Boven, member of the Committee on the Elimination of Racial Discrimination, in accordance with paragraph 51 of Commission resolution 1998/26", E/CN.4/WG.1/BP.7, 26 February 1999, p. 6.

[2] Ibid., p. 3. See also Commission on Human Rights, fifty-fifth session, Sessional open-ended ..., "Working paper submitted by International Human Rights Law Group, a non-governmental organization in special consultative status, in accordance with paragraph 50 of Commission resolution 1998/26", E/CN.4/WG.1/WP.3, 9 March 1999.

[3] Commission on Human Rights, fifty-fifth session, Sessional open-ended ..., "Relevant recommendations and decisions on racism and racial discrimination adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities since 1978, date of the first World Conference to Combat Racism and Racial Discrimination", document prepared by the Secretariat, E/CN.4/WG.1/BP.5, 9 March 1999.

[4] Report of the Sub-Commission on its thirty-first session (1979), E/CN.4/Sub.2/435, para. 94.

[5] See report of the Sub-Commission on its thirty-second session (1980), E/CN.4/1413-E/CN.4/Sub.2/459, paras. 47-54.

[6] See report of the Sub-Commission on its forty-eighth session (1996), E/CN.4/1997/2-E/CN.4/Sub.2/1996/41, resolution 1996/10, para. 3.

[7] Op. cit., note 1, pp. 7-8.

[8] Ibid., p. 8, citing document A/49/677, para. 57.

[9] We have inserted here several elements of analysis developed by the International Council on Human Rights Policy, "The persistence and mutation of racism" (draft report of a meeting hosted by the International Council on Human Rights Policy, 3-4 December 1999), pp. 2-3.

[10] Op. cit., p. 3.

[11] The evidence documented by the European Roma Rights Center shows that, in the city of Ostrava, for example, a Romani child is over 27 times more likely than a non-Romani child to be enrolled in a special school. Although Roma represent fewer than 5 per cent of all primary school-age students in Ostrava, they constitute 50 per cent of the special school population. See Petrova, Dimitrina, "The denial of racism", paper prepared for the International Council of Human Rights Policy, November 1999 (unfinished), p. 6.

[12] Commission on Human Rights, fifty-fifth session, Sessional open-ended working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, "Preventing genocide; background paper prepared by Mr. Agha Shahi, Mr. Luis Valencia Rodríguez and Mr. Ivan Garvalov, members of the Committee on the Elimination of Racial Discrimination, in accordance with paragraph 51 of Commission resolution 1998/26", E/CN.4/1999/WG.1/BP.9, 26 February 2000.

[13] Ibid., para. 4.

[14] *First objective*: to review the progress made in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular since the adoption of the Universal Declaration of Human Rights, and to reappraise the obstacles to further progress in the field and ways to overcome them.

Second objective: to consider the ways and means to better ensure the application of existing standards and the implementation of the existing instruments to combat racism, racial discrimination, xenophobia and related intolerance.

Third objective: to increase the level of awareness about the scourges of racism, racial discrimination, xenophobia and related intolerance.

Fourth objective: to formulate recommendations on ways to increase the effectiveness of the activities and mechanisms of the United Nations through programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance.

Fifth objective: to review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance.

Sixth objective: to formulate concrete recommendations to further new national, regional and international measures to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

Commission on Human Rights, fifty-fifth session, Sessional open-ended working group to review and formulate proposals for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, draft report, E/CN.4/1999/WG.1/CRP.1, 7 April 1999.

[15] See Adorno, Sergio, "Racial Discrimination and Criminal Justice in São Paulo", in Reichman, Rebecca, ed. Race in Contemporary Brazil, University Park, The Pennsylvania State University Press, 1999, pp. 123-137.

[16] We follow here some of the conclusions of the International Council on Human Rights Policy, op. cit., note 9, p. 15.

[17] Ibid.

[18] "*Beyond Racism*. Embracing an interdependent future", Atlanta, The Comparative Human Relations Initiative, 2000 - a leaflet announcing several publications prepared by the Initiative, under the leadership of Lynn Huntley, Director of the Southern Education Foundation. See www.beyondracism.org, and www.sefatl.org.

[19] See "The rights of non-citizens", working paper submitted by Mr. David Weissbrodt in accordance with Sub-Commission decision 1998/103 (E/CN.4/Sub.2/1999/7).

[20] These points were suggested during the Bellagio Consultation on the United Nations World Conference against Racism, Racial Discrimination and Related Intolerance, convened by Dr. Gay J. McDougall, Executive Director, International Human Rights Law Group and member of the Committee on the Elimination of Racial Discrimination, in cooperation with the Rockfeller Foundation, Bellagio, Italy, 24-29 January, Bellagio, Italy.

[21] This excellent proposal, which we include here was formulated during the Bellagio Consultation.

[22] Idem.

[23] These suggestions are inspired by: relevant recommendations and decisions on racism and racial discrimination adopted by the Sub-Commission on Prevention of Discrimination and Protection of Minorities since 1978, date of the first World Conference to Combat Racism and Racial Discrimination, document prepared by the Secretariat, 9 March 1999, E/CN.4/1999/WG.1/BP.5; Selection of conclusions and recommendations made by various seminars and studies on racism and racial discrimination, document prepared by the Secretariat, 9 March 1999, E/CN.4/WG.1/BP.2; selection of recommendations made by Mr. Maurice Glele-Ahanhanzo, Special Rapporteur on contemporary forms of racism and racial discrimination, xenophobia and related intolerance, document prepared by the Secretariat, 9 March 1999, E/CN.4/1999/WG.1/BP.4; Bellagio Consultation on the United Nations World Conference against Racism, Racial Discrimination and Related Intolerance; and also by International Council on Human Rights Policy, op. cit., note 9. Of course the responsibility for these recommendations is entirely that of the author of this working paper.

[24] United Nations strategies to combat racism and racial discrimination: past experiences and present perspectives, background paper prepared by Mr. Theodor van Boven, member of CERD, in accordance with para. 51 of Commission resolution 1998/26, E/CN.4/1999/WG.1/BP.7 p. 10.

[25] Joint working paper on article 7 of the International Convention on the Elimination of All Forms of Racial Discrimination, prepared by Mr. José Bengoa, Mr. Ivan Garvalov, Mr. Mustafa Mehedi and Mrs. Shanti Sadiq Ali (E/CN.4/Sub.2/1998/4), Preliminary conclusions and recommendations (chap. VI).

[26] See "Globalization in the context of increased incidents of racism, racial discrimination and xenophobia", working paper submitted by Mr. J. Oloka-Onyango in accordance with Sub-Commission decision 1998/104, E/CN.4/Sub.2/1999/8, para. 25 and following.